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PTO/SB/64 (09-06)  
Approved for use through 03/31/2007. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE  
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PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)		Docket Number (Optional) AGERE 3.0-003
First named inventor: Peter Ledel Gammel		
Application No: 09/651,696-Conf. #2486	Art Unit: 2879	
Filed: August 30, 2000	Examiner: A. Patel	
Title: ON-CHIP VACUUM TUBE DEVICE AND PROCESS FOR MAKING DEVICE		
MS Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450		
NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.		
The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus any extensions of time actually obtained.		
APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION		
NOTE: A grantable petition requires the following items:		
(1) Petition fee;		
(2) Reply and/or issue fee;		
(3) Terminal disclaimer with disclaimer fee – required for all utility and plant applications filed before June 8, 1995; and for all design applications; and		
(4) Statement that the entire delay was unintentional.		
1. Petition fee		
<input type="checkbox"/> Small entity – fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.		
<input checked="" type="checkbox"/> Other than small entity – fee \$ <u>1,500.00</u> (37 CFR 1.17(m))		
2. Reply and/or fee		
A. The reply and/or fee to the above-noted Office action in the form of _____ (identify type of reply):		
<input type="checkbox"/> has been filed previously on _____		
<input type="checkbox"/> is enclosed herewith.		
B. The issue fee and publication fee (if applicable) of \$ <u>1,400.00</u>		
<input type="checkbox"/> has been paid previously on _____		
<input checked="" type="checkbox"/> is enclosed herewith.		

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## 3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

**WARNING:**

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

Richard J. Botos  
Signature

February 7, 2007  
Date

Richard J. Botos  
Typed or printed name

32,016  
Registration Number, if applicable

LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK,  
LLP  
600 South Avenue West  
Westfield, New Jersey 07090  
Address

(908) 654-5000  
Telephone Number

- Enclosures: ☒ Fee Payment
- ☐ Reply
- ☐ Terminal Disclaimer Form
- ☐ Additional sheets containing statements establishing unintentional delay
- ☐ Other: \_\_\_\_\_

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I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as First Class Mail, in an envelope addressed to: MS Petitioning Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: February 7, 2007

Signature: Richard J. Botos (Richard J. Botos)



I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as First Class Mail, in an envelope addressed to: MS Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: February 7, 2007

Signature: Richard J. Botos

(Richard J. Botos)

Docket No.: AGERE 3.0-003  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Gammel et al.

Allowed: October 5, 2006

Application No.: 09/651,696

Confirmation No.: 2486

Filed: August 30, 2000

Art Unit: 2879

For: ON-CHIP VACUUM TUBE DEVICE  
AND PROCESS FOR MAKING  
DEVICE

Examiner: A. Patel

**STATEMENT UNDER 37 CFR 1.137(B) FOR REVIVAL OF AN APPLICATION FOR  
PATENT ABANDONED UNINTENTIONALLY**

MS Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicant therefore petitions for revival of this application based on unintentional delay. A transmittal form for payment of the issue fee and authorization to charge the fee to our deposit account is submitted herewith. The petition fee in the amount of \$1500 and any additional fees due should be charged to Deposit Account No. 12-1095. In view of the documents submitted and statements made herein, it is respectfully requested that the present petition be granted and the application issue as a patent.

Dated: February 7, 2007

Respectfully submitted,

By Richard J. Botos

Richard J. Botos

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LERNER, DAVID, LITTENBERG,  
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